

Message Text

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PAGE 01 LONDON 06640 01 OF 02 011800Z

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 IO-10 OIC-02 USIE-00 AF-06

ARA-10 EA-10 NEA-09 CIAE-00 COME-00 DODE-00 DOTE-00

FMC-02 INR-07 NSAE-00 CG-00 OFA-01 DLOS-05 ACDA-10

PM-03 L-02 NASA-02 NSC-05 OES-05 CCO-00 OTPE-00

FCC-02 OC-05 BIB-01 SSO-00 NSCE-00 INRE-00 H-02 PA-02

PRS-01 SP-02 SS-15 /139 W

----- 124243

O 011746Z MAY 75

FM AMEMBASSY LONDON

TO SECSTATE WASHDC IMMEDIATE 0750

UNCLAS SECTION 01 OF 02 LONDON 06640

E.O. 11652: N/A

TAGS: OCON, IMCO

SUBJ: IMCO: MARITIME SATELLITE CONFERENCE

FOR TRIMBLE FROM TALLERICO

1. COMMITTEE I HAS BEEN DISCUSSING RELATIONSHIP BETWEEN GOVERNMENTS WITHIN ORGANIZATION, BETWEEN GOVERNMENTS AND DESIGNATED ENTITIES WITHIN ORGANIZATION, AND BETWEEN ENTITIES AND THEIR RESPECTIVE GOVERNMENTS. DISCUSSION HAS FOCUSED ON WHETHER AND, IF SO, TO WHAT EXTENT GOVERNMENTS SHALL SUPERVISE, DIRECT OR BE RESPONSIBLE FOR THEIR DESIGNATED ENTITIES WITHIN THE ORGANIZATION AND WHETHER DOMESTIC LEGISLATION AND REGULATIONS CAN BE

TAKEN INTO ACCOUNT OR NOT. PROBLEM IS THAT MANY DELEGATIONS BELIEVE ALL MEMBER GOVERNMENTS MUST BE RESPONSIBLE FOR ALL OBLIGATIONS WITHIN INMARSAT. IF ANY DESIGNATION IS TO OCCUR, THE UNCLASSIFIED

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PAGE 02 LONDON 06640 01 OF 02 011800Z

DESIGNEE IS THEN REGARDED AS AN AGENT IN THESE

DELEGATIONS' VIEW. WE HAVE BEEN EXPLAINING WHY THIS FORMULATION IS UNACCEPTABLE. AT TIMES PEOPLE SEEM TO BE GETTING THE POINT. AT OTHER TIMES, THEY INTRODUCE FORMULATIONS WHICH HAVE AS THEIR UNDERLYING CONCEPT AN AGENT-PRINCIPLE RELATIONSHIP.

2. IN ORDER TO ASSURE PEOPLE THAT THE ENTITIES WILL NOT BE FREE TO ACT AT WILL, WE HAVE EXPLAINED THE REGULATORY AND OVERSIGHT POWERS OF THE USG. MANY DELEGATIONS WANT USG TO AGREE TO USE THESE POWERS TO ENSURE SUCCESS OF ORGANIZATION. WE HAVE EXPRESSED WILLINGNESS TO AGREE TO DO WHAT WE CAN UNDER OUR DOMESTIC LAW BUT SOME DELEGATIONS ARE RELUCTANT TO QUALIFY AN OBLIGATION IN SUCH A WAY. (THEY WANT TO

PUT US IN A POSITION WHERE WE HAVE TO CHANGE DOMESTIC LAW:)

3. IN ADDITION, DELEGATIONS HAVE RAISED THE LEGITIMATE POINT THAT USG MUST ACKNOWLEDGE RESPONSIBILITY TO ENSURE - WITHOUT REFERENCE TO DOMESTIC LAWS - THAT ENTITIES DO NOT VIOLATE PRINCIPLES OF INTERNATIONAL AGREEMENTS WHICH USG HAS ACCEPTED, E.G., ANY RELEVANT ITU REGULATIONS. I DO NOT THINK WE COULD QUALIFY THIS WITH REFERENCE TO DOMESTIC LAW.

4. WE HAVE BEEN UNABLE TO GET COMMITTEE TO CONSIDER LONGER, MORE GENERAL REPORT. FOCUS IS ON AGREEMENT-TYPE LANGUAGE.

5. WOULD APPRECIATE YOUR REACTION, BY CABLE OR PHONE, AS SOON AS POSSIBLE TO FOLLOWING LANGUAGE:

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PAGE 01 LONDON 06640 02 OF 02 011803Z

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INFO OCT-01 EUR-12 ISO-00 OIC-02 USIE-00 IO-10 AF-06

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TO SECSTATE WASHDC IMMEDIATE 0751

UNCLAS SECTION 02 OF 02 LONDON 06640

6. A. EVERY GOVERNMENT SHALL UNDERTAKE THE GOVERNMENTAL RIGHTS AND OBLIGATIONS AS DELINEATED WITHIN THE INMARSAT ARRANGEMENTS AND SHALL ITSELF UNDERTAKE OR, IN ACCORDANCE WITH ITS DOMESTIC LAW AND REGULATIONS, DESIGNATE A COMPETENT ENTITY WITHIN ITS JURISDICTION, WHETHER GOVERNMENTAL OR NON-GOVERNMENTAL, TO UNDERTAKE CERTAIN RIGHTS AND OBLIGATIONS RELATIVE TO THE FINANCIAL, TECHNICAL AND OPERATIONAL FUNCTIONS AS DELINEATED WITHIN THE INMARSAT ARRANGEMENTS.

B. A MEMBER STATE WHICH DESIGNATES A NON-GOVERNMENTAL ENTITY WILL PROVIDE SUCH GUIDANCE AND INSTRUCTIONS AS ARE APPROPRIATE AND CONSISTENT WITH ITS DOMESTIC LAW TO ENSURE THAT ITS DESIGNATED ENTITY FULFILLS ITS RESPONSIBILITIES.

C. A GOVERNMENT, IN DESIGNATING AN ENTITY, BEARS FULL RESPONSIBILITIES FOR THE MAINTAINING OF THE PERMANENT SUPERVISION AND CONTROL CONCERNING THE UNCLASSIFIED

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PAGE 02 LONDON 06640 02 OF 02 011803Z

ACTIVITY OF THIS ENTITY TO ENSURE THAT THE LATTER WILL

COMPLY WITH ITS AFORESAID RIGHTS AND OBLIGATIONS IN A MANNER CONSISTENT WITH INTERGOVERNMENTAL AGREEMENTS RELATED TO INMARSAT, TO WHICH THE GOVERNMENT IS A PARTY.

D. IN THE EVENT OF DEFAULT OR WITHDRAWAL OF A DESIGNATED ENTITY, A GOVERNMENT WOULD ASSUME THE CAPACITY OF A DESIGNATED ENTITY, DESIGNATE A NEW ENTITY OR WITHDRAW.

7. ABOVE TEXT IS RESULT - WITH A FEW REVISIONS - OF US-USSR DISCUSSIONS.

RICHARDSON

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